

REMARKS

Claims 1, 2, 7-10 and 42-49 are pending in the application.

Claims 43-46 and 48 are allowed.

Claims 1, 2, 7-10 42, 47 and 49 are rejected.

Claim 49 is canceled.

Claims 1, 43, 47, and 48 are amended.

Claims 50-58 are added.

No new matter is added.

Claims 1, 2, 7-10 and 42-58 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Examiner Interview

An Examiner Interview was conducted on July 24, 2007 between Gregg Palmer, as a representative of the Applicants, and Examiner Anita Alanko. During the interview Mr. Palmer inquired as to why the Office Action did not appear to discuss how the limitations of claims 47 and 49 were anticipated by the cited references. Examiner Alanko indicated that these claims would likely be allowable over the prior art if they were amended to remove the word “substantially” and claim 49 was amended to recite the limitation of claim 47 specifying *planarizing* the electrodes and dielectric layer.

Claim Rejections 35 U.S.C. §103

Claims 1-2, 7-10, 42, 47, and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,668,038 to Huang, et al. (“Huang”) in view of U.S. Patent No. 6,383,867 to Kim et al. (“Kim”).

Claim 1 has been amended to include the limitations of claim 49, which the Examiner indicated during the Examiner Interview was allowable over the cited prior art. That is, neither Huang nor Kim teaches all of the limitations of amended claim 1. The Applicants note that the added limitation of “planarizing the electrodes and dielectric layer” was previously searched in conjunction with claim 47 and hence does not require a new search.

Thus, because neither Huang nor Kim teaches all of the limitations of claim 1, Huang and Kim cannot render claim 1 unpatentable. As such, the Applicants submit that claim 1 is in proper form for allowance and request that the rejections under § 103(a) be removed.

Claims 2, 7-10, and 42 depend from claim 1. Based at least in part on this dependency, the Applicants submit that claims 2, 7-10, and 42 are likewise in proper form for allowance.

As discussed during the Examiner Interview, claims 47 and 49 did not appear to be addressed in the Office Action. That is, although they are indicated as being rejected over Huang in view of Kim, there were no additional details provided in the Office Action as to how these references taught or suggested the limitation of planarizing the electrode and dielectric layer such that a top surface of the dielectric layer is coplanar with the top surface of the electrode. However, as discussed above, the Examiner indicated during the Office Action that these claims would be allowable over the cited prior art if the word “substantially” was removed from the claim elements and claim 49 was amended to recite the planarizing limitation specified in claim 47. The Applicants note that the limitations from claim 49 have been added to claim 1, and claim 49 has been canceled.

Allowable Subject Matter

Claims 43-46 and 48 allowed.

The Applicants thank the Examiner for acknowledging the allowable subject matter in these claims.

The Applicants note that claims 43 and 48 have been amended to correct minor informalities. In particular, claim 43 was amended to add an “and” before the last limitation, and claim 48 was amended to correct the form of the verb “protrudes” to match the number of its subject. Neither of these amendments necessitates a new search as they do not alter the scope of the claims.

New Claims

Claims 50-58 have been added. These claims include substantially identical limitations to dependent claims 7-10 and 42. Thus, the Applicants submit that these new claims do not necessitate a new search.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1, 2, 7-10 and 42-58 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read 'Hosoon Lee', with a long horizontal flourish extending to the right.

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